

## Indiana Administrative Code 410, Chapter 32, Lead-based Paint Program Summary of Comments and Response

Proposed Rule	Comment/Concern/Statement	Person/Agency	Action taken
<b>410 IAC 32-1-52.5</b> <b>Maintenance activities</b> Sec. 52.5. "Maintenance activities" means any activity performed on a child-occupied facility or target housing unit that is part of a routine inspection or subsequent to the findings of a routine inspection.	Ms. Sullivan and Ms. White expressed concern about using the term inspection in this context. Building examination is more reflective of the actual activity taking place.	Lynne Sullivan, Executive Director, Indiana Apartment Association; Gretchen White, Indiana Builders Association	Ms. Sullivan and Ms. White have a valid argument and ISDH agrees with the recommendation. 410 IAC 32-1-52.5 now reads: Sec. 52.5. "Maintenance activities" means any activity performed on a child-occupied facility or target housing unit that is part of a routine building examination or subsequent to the findings of a routine building examination.
<b>410 IAC 32-1-84.5</b> <b>Water lead hazard</b> Sec. 84.5. "Water-lead hazard" means potable water on residential real property or on the property of a child-occupied facility that contains total lead equal to or exceeding fifteen (15) parts per billion. If the levels are equal to or greater than fifteen (15) parts per billion, the department may require remediation methods that include, but are not limited to, the following: (1) Corrosion control treatment. (2) Source water treatment. (3) Public education.	Ms. Sullivan expressed concern about listing lead service line replacement as an option for remediating the water lead hazard. By listing that option in the rule it was perceived, or could be perceived, as a requirement.	Lynne Sullivan, Executive Director, Indiana Apartment Association	Ms. Sullivan has a valid argument and ISDH agrees with her recommendation. Removed suggested corrections from the definition. The definition now reads: Sec. 84.5 "Water-lead hazard" means potable water on residential real property or on the property of a child-occupied facility that contains total lead equal to or exceeding fifteen (15) parts per billion.

(4) Lead service line replacement.			
<p><b>410 IAC 32-1-60.5</b>  <b>Post-remediation report</b>  Sec. 60.5. "Post-remediation report" means the report that a licensed lead supervisor or a lead-based paint activities contractor submits to the department following the completion of a remediation project. The post-remediation report must contain the following information:</p> <p>(1) Start and completion dates of remediation.</p> <p>(2) The name and address of each licensed lead supervisor or lead-based paint activities contractor conducting the remediation and the name of each supervisor assigned to the remediation project.</p> <p>(3) The occupant protection plan.</p> <p>(4) A copy of the risk assessment that was conducted for the remediation project.</p> <p>(5) The name, address, and signature of each licensed risk assessor, inspector, clearance examiner, or sampling technician conducting clearance sampling and the date of clearance testing.</p> <p>(6) The results of clearance testing and all soil analyses, if applicable, and the name of each recognized laboratory that conducted the analyses.</p> <p>(7) A detailed written description of the remediation, including the following:</p> <p>(A) Remediation methods used.</p>	<p>Ms. Sullivan expressed concern over the changing of the report from a post-abatement report to a post-remediation report would create additional activities and cause problems for licensed workers that are only doing interim controls.</p>	<p>Lynne Sullivan, Executive Director, Indiana Apartment Association</p>	<p>Ms. Sullivan has a valid argument and ISDH agrees with her recommendation. After discussion with interested parties, it was determined that changing the report to a post-remediation report from a post-abatement report was too burdensome on the licensed workforce and would have very little impact on surveillance activities. 410 IAC 32-1-60.5 now reads:</p> <p>Sec. 60.5. "Post-abatement report" means the report that a licensed lead supervisor or a lead-based paint activities contractor submits to the department following the completion of an abatement project. The post-abatement report must contain the following information:</p> <p>(1) Start and completion dates of abatement.</p> <p>(2) The name and address of each licensed lead supervisor or lead-based paint activities contractor conducting the abatement and the name of each supervisor assigned to the abatement project.</p> <p>(3) The occupant protection plan.</p> <p>(4) A copy of the risk assessment</p>

<p>(B) Locations of rooms and components where remediation occurred.</p> <p>(C) The reason for selecting particular remediation methods for each component.</p> <p>(D) Any suggested monitoring of encapsulants or enclosures.</p>			<p>that was conducted for the remediation project, if applicable.</p> <p>(5) The name, address, and signature of each licensed risk assessor, inspector, clearance examiner or sampling technician conducting clearance sampling and the date of clearance testing.</p> <p>(6) The results of clearance testing and all soil analyses, if applicable, and the name of each recognized laboratory that conducted the analyses.</p> <p>(7) A detailed written description of the abatement, including the following: (A) Abatement methods used. (B) Locations of rooms and components where abatement occurred. (C) The reason for selecting particular abatement methods for each component. (D) Any suggested monitoring of encapsulants or enclosures.</p>
<p><b>410 IAC 32-1-43</b>  <b>Interim controls</b>  Sec. 43. "Interim controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including the following: (1) Specialized cleaning. (2) Repairs. (3) Maintenance. (4) Painting. (5) Clearance. (6) Temporary containment. (7) Ongoing monitoring of lead-based paint</p>	<p>Ms. Sullivan stated that adding renovation under the definition of interim controls broadens the scope and the definition of renovation and is an expansion of the program.</p>	<p>Lynne Sullivan, Executive Director, Indiana Apartment Association</p>	<p>Ms. Sullivan has a valid argument and ISDH agrees with her recommendation. Removed the term renovation from the definition. The definition now reads:  Sec. 43. "Interim controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to</p>

hazards or potential hazards. (8) The establishment and operation of management and resident education programs. (9) Renovation.			lead-based paint hazards, including the following: (1) Specialized cleaning. (2) Repairs. (3) Maintenance. (4) Painting. (5) Clearance. (6) Temporary containment. (7) Ongoing monitoring of lead-based paint hazards or potential hazards. (8) The establishment and operation of management and resident education programs.
<b>410 IAC 32-1-47</b> <b>Lead-based paint activities</b> Sec. 47. "Lead-based paint activities" means the inspection, risk assessment, and remediation of lead-based paint in target housing and child-occupied facilities. The term includes interim controls, abatement, and clearance examination.	Ms. White expressed concern about adding the term interim controls to the definition of lead-based paint activities. This addition may blur the lines between the state authorized program and the federal authorized Renovation, Repair and Painting Rule.	Gretchen White, Indiana Builders Association	Ms. White has a valid argument and ISDH agrees with her concern. Added sentence suggested by consensus of Ms. White, Ms. Sullivan and Ms. Perras. The definition now reads: Sec. 47. "Lead-based paint activities" means the inspection, risk assessment, and remediation of lead-based paint in target housing and child-occupied facilities. The term includes interim controls, abatement, and clearance examination. Lead-based paint activities do not include work being completed under the Environmental Protection Agency's Renovation, Repair and Painting (RRP) Rule.
<b>410 IAC 32-1-43</b> <b>Interim controls</b> Sec. 43. "Interim controls" means a set of measures designed to temporarily reduce	Ms. White expressed concern about adding the term renovation to the definition of interim controls. This addition	Gretchen White, Indiana Builders Association	Ms. White has a valid argument and ISDH agrees with her recommendation. Removed the term renovation from the

human exposure or likely exposure to lead-based paint hazards, including the following: (1) Specialized cleaning. (2) Repairs. (3) Maintenance. (4) Painting. (5) Clearance. (6) Temporary containment. (7) Ongoing monitoring of lead-based paint hazards or potential hazards. (8) The establishment and operation of management and resident education programs. (9) Renovation.	may blur the lines between the state authorized program and the federal authorized Renovation, Repair and Painting Rule.		definition. The definition now reads: Sec. 43. "Interim controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including the following: (1) Specialized cleaning. (2) Repairs. (3) Maintenance. (4) Painting. (5) Clearance. (6) Temporary containment. (7) Ongoing monitoring of lead-based paint hazards or potential hazards. (8) The establishment and operation of management and resident education programs.
<b>410 IAC 32-1-60.5</b> <b>Post-remediation report</b> Sec. 60.5. "Post-remediation report" means the report that a licensed lead supervisor or a lead-based paint activities contractor submits to the department following the completion of a remediation project. The post-remediation report must contain the following information: (1) Start and completion dates of remediation. (2) The name and address of each licensed lead supervisor or lead-based paint activities contractor conducting the remediation and the name of each supervisor assigned to the remediation project.	Ms. White expressed concern over the changing of the report from a post-abatement report to a post-remediation report would create additional activities and cause problems for licensed workers that are only doing interim controls.	Gretchen White, Indiana Builders Association	Ms. White has a valid argument and ISDH agrees with her recommendation. After discussion with interested parties, it was determined that changing the report to a post-remediation report from a post-abatement report was too burdensome on the licensed workforce and would have very little impact on surveillance activities. 410 IAC 32-1-60.5 now reads: Sec. 60.5. "Post-abatement report" means the report that a licensed lead supervisor or a lead-based paint activities contractor submits to the department

<p>(3) The occupant protection plan.</p> <p>(4) A copy of the risk assessment that was conducted for the remediation project.</p> <p>(5) The name, address, and signature of each licensed risk assessor, inspector, clearance examiner, or sampling technician conducting clearance sampling and the date of clearance testing.</p> <p>(6) The results of clearance testing and all soil analyses, if applicable, and the name of each recognized laboratory that conducted the analyses.</p> <p>(7) A detailed written description of the remediation, including the following: (A) Remediation methods used. (B) Locations of rooms and components where remediation occurred. (C) The reason for selecting particular remediation methods for each component. (D) Any suggested monitoring of encapsulants or enclosures.</p>			<p>following the completion of an abatement project. The post-abatement report must contain the following information:</p> <p>(1) Start and completion dates of abatement.</p> <p>(2) The name and address of each licensed lead supervisor or lead-based paint activities contractor conducting the abatement and the name of each supervisor assigned to the abatement project.</p> <p>(3) The occupant protection plan.</p> <p>(4) A copy of the risk assessment that was conducted for the remediation project, if applicable.</p> <p>(5) The name, address, and signature of each licensed risk assessor, inspector, clearance examiner or sampling technician conducting clearance sampling and the date of clearance testing.</p> <p>(6) The results of clearance testing and all soil analyses, if applicable, and the name of each recognized laboratory that conducted the analyses.</p> <p>(7) A detailed written description of the abatement, including the following: (A) Abatement methods used. (B) Locations of rooms and components where abatement occurred. (C) The</p>
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			reason for selecting particular abatement methods for each component. (D) Any suggested monitoring of encapsulants or enclosures.
<b>410 IAC 32-4-1</b> <b>Applicability</b> Sec. 1. (a) This rule contains procedures and requirements for work practice standards for conducting lead-based paint activities. Any licensed person or company performing the following activities shall comply with the appropriate work practices as outlined in this rule: (1) Inspection. (2) Lead-hazard screening. (3) Risk assessment. (4) Abatement. (5) Project designer. (6) Interim controls. (b) A political subdivision or a state agency may not accept a bid for a lead-based activities project from a person that does not hold a lead-based paint activities license.	Ms. White expressed concern that by adding interim controls to the applicability section, the program would be broadened and would be operating outside of the statutory authority.	Gretchen White, Indiana Builders Association	Ms. White has a valid argument and ISDH agrees with her recommendation. 410 IAC 32-4-1 now reads: Sec. 1. (a) This rule contains procedures and requirements for work practice standards for conducting lead-based paint activities. Any licensed person or company performing the following activities shall comply with the appropriate work practices as outlined in this rule: (1) Inspection. (2) Lead-hazard screening. (3) Risk assessment. (4) Abatement. (5) Project designer. (b) A political subdivision or a state agency may not accept a bid for a lead-based activities project from a person that does not hold a lead-based paint activities license.
<b>410 IAC 32-1-84.5</b> <b>Water-lead hazard</b> Sec. 84.5. "Water-lead hazard" means potable water on residential real property or on the property of a child-occupied facility that contains total lead equal to or exceeding fifteen (15) parts per billion. If	Ms. Perras stated that she supported the definition of water-lead hazard as proposed in the revised rule.	Jodi Perras, Executive Director, Improving Kids' Environment	After hearing concerns from other interested parties and reviewing the other hazard definitions, ISDH has decided to remove the four suggested corrections for water-lead hazard. None of the other hazard definitions include

the levels are equal to or greater than fifteen (15) parts per billion, the department may require remediation methods that include, but are not limited to, the following: (1) Corrosion control treatment. (2) Source water treatment. (3) Public education. (4) Lead service line replacement.			suggested corrections. The definition now reads: Sec. 84.5. "Water-lead hazard" means potable water on residential real property or on the property of a child-occupied facility that contains total lead equal to or exceeding fifteen (15) parts per billion.
<b>410 IAC 32-1-10 Clearance Examination</b> Sec. 10. "Clearance examination" means an activity conducted by an Indiana licensed clearance examiner for the purpose of establishing proper completion of interim controls. Interim controls are defined by the U.S. Department of Housing and Urban Development (HUD) in 24 CFR 35.110*, Lead-based paint poisoning and prevention in certain residential structures; definitions. *This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana State Department of Health, Indiana Lead and Healthy Homes Program, Fifth Floor, 2 North Meridian Street, Indianapolis, Indiana 46204.	Ms. Bergman states that interim controls are defined at 410 IAC 32-1-43; the HUD definition is worded differently and is unnecessary.	Dona Bergman, Executive Director, City of Evansville, Department of Sustainable Energy & Environmental Quality	Ms. Bergman has a valid argument and ISDH agrees with her recommendation. Removed the reference to the HUD definition. The definition now reads: Sec. 10. "Clearance examination" means an activity conducted by an Indiana licensed clearance examiner for the purpose of establishing proper completion of interim controls.
<b>410 IAC 32-1-12 Clearance levels</b> Sec. 12. "Clearance levels" means values that indicate the maximum amount of lead permitted in dust on a surface following	Please consider revising 410 IAC 32-1-12 "Clearance levels" to include the clearance levels for lead in dust: (i) Forty (40) micrograms per square foot for	Dona Bergman, Executive Director, City of Evansville, Department of Sustainable Energy & Environmental Quality	Disagree with comment. Specific dust lead hazard levels are defined in 410 IAC 32-1-28.

completion of a remediation activity.	floors, (ii) Two hundred fifty (250) micrograms per square foot for interior window sills, (iii) Four hundred (400) micrograms per square foot for window troughs		
<b>410 IAC 32-1-28.5</b> <b>Dust Sampling Technician</b> Sec. 28.5. “Dust Sampling Technician” means a person licensed by the department to conduct dust sampling. A dust sampling technician can conduct sampling activities after interim control activities, rehabilitation that disturbs painted surfaces, and maintenance activities required under the U.S. Department of Housing and Urban Development’s (HUD) regulation to address lead hazards. A dust sampling technician is not permitted to conduct clearance after abatement activities.	Please consider revising 410 IAC 32-1-28.5 “Dust sampling technician” to read as follows: “Dust sampling technician means a person licensed by the department to conduct dust sampling. A dust sampling technician can conduct sampling activities after interim control activities, and renovation, repair or painting activities subject to 40 CFR 745 Subpart E. A dust sampling technician is not permitted to conduct clearance after abatement activities.	Dona Bergman, Executive Director, City of Evansville, Department of Sustainable Energy & Environmental Quality	Ms. Bergman has a valid argument and ISDH agrees with her recommendation. The definition now reads: Sec 28.5. “Dust sampling technician” means a person licensed by the department to conduct dust sampling. A dust sampling technician can conduct sampling activities after interim control activities and renovation, repair or painting activities subject to 40 CFR 745 Subpart E. A dust sampling technician is not permitted to conduct clearance after abatement activities.
<b>410 IAC 32-1-28.5</b> <b>Dust Sampling Technician</b> Sec. 28.5. “Dust Sampling Technician” means a person licensed by the department to conduct dust sampling. A dust sampling technician can conduct sampling activities after interim control activities, rehabilitation that disturbs painted surfaces, and maintenance activities required under the U.S. Department of Housing and Urban Development’s (HUD) regulation to address lead hazards. A dust	The EPA encourages ISDH to pursue the following specific changes outlined in the proposed revised rule which relates directly to the EPA’s lead-based paint abatement program under Section 402(a) of the Toxics Substances Control Act, and the corresponding federal regulations found at 40 CFR Part 745: 1. The addition of the	Mardi Klevs, Chief, Chemicals Management Branch, Land and Chemicals Division, Region 5, Environmental Protection Agency	Ms. Klevs supports ISDH’s position on this definition. Definition was added in proposed rule and support by comments from other interested parties.

sampling technician is not permitted to conduct clearance after abatement activities.	proposed definition for the term “dust sampling technician.”		
<b>410 IAC 32-1-66</b> <b>Renovation</b> Sec. 66. “Renovation” means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces unless that activity is performed as part of a remediation.	The EPA encourages ISDH to pursue the following specific changes outlined in the proposed revised rule which relates directly to the EPA’s lead-based paint abatement program under Section 402(a) of the Toxics Substances Control Act, and the corresponding federal regulations found at 40 CFR Part 745: 2. The clarification that a renovation activity does not include an activity that was conducted to solely remediate a lead hazard, including interim controls and abatement.	Mardi Klevs, Chief, Chemicals Management Branch, Land and Chemicals Division, Region 5, Environmental Protection Agency	Ms. Klevs supports ISDH’s position on this definition. Definition was added in proposed rule and support by comments from other interested parties.
<b>410 IAC 32-1-81</b> <b>Training hour</b> Sec. 81. “Training hour” means at least fifty (50) minutes of actual learning, including, but not limited to, time devoted to any one (1) or a combination of the following: (1) Lecture. (2) Learning activities. (3) Small group activities. (4) Demonstrations. (5) Evaluations. (6) Hands-on experience. The lecture portion of the course may be delivered by an online synchronous or asynchronous format, if approved by the	The EPA encourages ISDH to pursue the following specific changes outlined in the proposed revised rule which relates directly to the EPA’s lead-based paint abatement program under Section 402(a) of the Toxics Substances Control Act, and the corresponding federal regulations found at 40 CFR Part 745: 3. The addition of an ability for	Mardi Klevs, Chief, Chemicals Management Branch, Land and Chemicals Division, Region 5, Environmental Protection Agency	Ms. Klevs supports ISDH’s position on this definition. Definition was added in proposed rule and support by comments from other interested parties.

department.	training providers to offer on-line training for the lecture portion of all lead discipline courses in lieu of a classroom lecture to reduce the cost of both initial and refresher training courses for the regulated workforce. This option would reduce travel expenses and time away for the worksite for the participant and the employer/business.		
<b>410 IAC 32-1-52.5</b> <b>Maintenance activities</b> Sec. 52.5. "Maintenance activities" means any activity performed on a child-occupied facility or target housing unit that is part of a routine inspection or subsequent to the findings of a routine inspection.	ISDH may also wish to consider the following comments on the proposed revised rule, offered by the EPA with the intent of suggesting best practices to strengthen the state's administration and enforcement of its rule: 1. The addition of the definitions for the following terms: a) maintenance activities	Mardi Klevs, Chief, Chemicals Management Branch, Land and Chemicals Division, Region 5, Environmental Protection Agency	Ms. Klevs supports ISDH's position on this definition. Definition was added in proposed rule and support by comments from other interested parties.
<b>410 IAC 32-1-60.5</b> <b>Post-remediation report</b> Sec. 60.5. "Post-remediation report" means the report that a licensed lead supervisor or a lead-based paint activities contractor submits to the department following the completion of a remediation project. The post-remediation report must contain the following information:	ISDH may also wish to consider the following comments on the proposed revised rule, offered by the EPA with the intent of suggesting best practices to strengthen the state's administration and enforcement of its rule: 1. The addition of the	Mardi Klevs, Chief, Chemicals Management Branch, Land and Chemicals Division, Region 5, Environmental Protection Agency	Disagree with comment. After discussion with interested parties, it was determined that changing the report to a post-remediation report from a post-abatement report was too burdensome on the licensed workforce and would have very little impact on surveillance activities. 410 IAC

<p>(1) Start and completion dates of remediation.</p> <p>(2) The name and address of each licensed lead supervisor or lead-based paint activities contractor conducting the remediation and the name of each supervisor assigned to the remediation project.</p> <p>(3) The occupant protection plan.</p> <p>(4) A copy of the risk assessment that was conducted for the remediation project.</p> <p>(5) The name, address, and signature of each licensed risk assessor, inspector, clearance examiner, or sampling technician conducting clearance sampling and the date of clearance testing.</p> <p>(6) The results of clearance testing and all soil analyses, if applicable, and the name of each recognized laboratory that conducted the analyses.</p> <p>(7) A detailed written description of the remediation, including the following: (A) Remediation methods used. (B) Locations of rooms and components where remediation occurred. (C) The reason for selecting particular remediation methods for each component. (D) Any suggested monitoring of encapsulants or enclosures.</p>	<p>definitions for the following terms: b) post-remediation report</p>		<p>32-1-60.5 now reads:</p> <p>Sec. 60.5. "Post-abatement report" means the report that a licensed lead supervisor or a lead-based paint activities contractor submits to the department following the completion of an abatement project. The post-abatement report must contain the following information:</p> <p>(1) Start and completion dates of abatement.</p> <p>(2) The name and address of each licensed lead supervisor or lead-based paint activities contractor conducting the abatement and the name of each supervisor assigned to the abatement project.</p> <p>(3) The occupant protection plan.</p> <p>(4) A copy of the risk assessment that was conducted for the remediation project, if applicable.</p> <p>(5) The name, address, and signature of each licensed risk assessor, inspector, clearance examiner, or sampling technician conducting clearance sampling and the date of clearance testing.</p> <p>(6) The results of clearance testing and all soil analyses, if applicable, and the name of each recognized laboratory that conducted the analyses.</p>
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			(7) A detailed written description of the abatement, including the following: (A) Abatement methods used. (B) Locations of rooms and components where abatement occurred. (C) The reason for selecting particular abatement methods for each component. (D) Any suggested monitoring of encapsulants or enclosures.
<b>410 IAC 32-1-65.5</b> <b>Remediation</b> Sec. 65.5. "Remediation" means actions that constitute either: (1) abatement (as defined in IC 16-18-2-0.5); or (2) interim controls (as defined in section 43 of this rule).	ISDH may also wish to consider the following comments on the proposed revised rule, offered by the EPA with the intent of suggesting best practices to strengthen the state's administration and enforcement of its rule: 1. The addition of the definitions for the following terms: c) remediation	Mardi Klevs, Chief, Chemicals Management Branch, Land and Chemicals Division, Region 5, Environmental Protection Agency	Ms. Klevs supports ISDH's position on this definition. Definition was added in proposed rule and support by comments from other interested parties.
<b>410 IAC 32-1-84.5</b> <b>Water-lead hazard</b> Sec. 84.5. "Water-lead hazard" means potable water on residential real property or on the property of a child-occupied facility that contains total lead equal to or exceeding fifteen (15) parts per billion. If the levels are equal to or greater than fifteen (15) parts per billion, the department may require remediation methods that include, but are not limited to, the following: (1) Corrosion control	ISDH may also wish to consider the following comments on the proposed revised rule, offered by the EPA with the intent of suggesting best practices to strengthen the state's administration and enforcement of its rule: 1. The addition of the definitions for the following terms: d) water lead hazard will help ISDH with the	Mardi Klevs, Chief, Chemicals Management Branch, Land and Chemicals Division, Region 5, Environmental Protection Agency	Ms. Klevs supports ISDH's position on this definition. Definition was added in proposed rule and support by comments from other interested parties. Suggested remediation options were deleted based on concerns from the Indiana Apartment Association.

treatment. (2) Source water treatment. (3) Public education. (4) Lead service line replacement.	implementation of the rule.		
<b>410 IAC 32-4-2</b> <b>Inspections</b> Sec. 2. An inspection for lead-based paint in a child-occupied facility or target housing shall be conducted only by a person licensed by the department as an inspector or risk assessor. The inspection shall include each component with a distinct painting history, except those components that the inspector or risk assessor determines through the examination of receipts for architectural proof to have been replaced after 1978 or do not contain lead-based paint. If conducted, an inspection shall be conducted as follows: (1) When conducting an inspection, the following locations shall be selected according to documented methodologies and tested for the presence of lead-based paint: (A) In a residential dwelling and child-occupied facility, each interior component with a distinct painting history and each exterior component with a distinct painting history shall be tested for lead-based paint. (B) In a multifamily dwelling or child-occupied facility, each component with a distinct painting history in every common area group. (2) Paint shall be sampled in either, or both, of the following ways: (A) The analysis of	ISDH may also wish to consider the following comments on the proposed revised rule, offered by the EPA with the intent of suggesting best practices to strengthen the state's administration and enforcement of its rule: 2. The requirement that all lead inspections, risk assessments and lead hazard screens be reported to ISDH within five (5) days of completion will assist ISDH with the reporting requirements outlined in the notice of grant award from the EPA. ISDH must be able to report to EPA on a regular basis the accurate number of lead inspections, lead risk assessments and lead hazard screens being conducted in Indiana.	Mardi Klevs, Chief, Chemicals Management Branch, Land and Chemicals Division, Region 5, Environmental Protection Agency	Ms. Klevs supports ISDH's position on this section. Definition was added in proposed rule and support by comments from other interested parties.

<p>paint to determine the presence of lead shall be conducted using documented methodologies that incorporate adequate quality control procedures. (B) All collected paint chip samples shall be analyzed by a laboratory recognized by U.S. EPA pursuant to TSCA Sec. 405(b) as capable of performing analyses for lead compounds in paint chips, dust, and soil samples to determine if they contain detectable levels of lead that can be quantified numerically. (3) The licensed inspector or risk assessor shall prepare an inspection report that shall include the following information: (A) The date of each inspection. (B) The address of the building. (C) The date of construction. (D) The apartment number, when applicable. (E) The name, address, and telephone number of the owner or owners of each residential dwelling or child-occupied facility. (F) The name, signature, and license number of each licensed inspector or risk assessor conducting testing. (G) The name, address, and telephone number of the firm employing each inspector or risk assessor, when applicable. (H) Each testing method and device or sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of any x-ray fluorescence device. (I) Specific locations of each painted component tested for the presence of lead-based paint. (J) The results of the inspection, expressed in</p>			
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<p>terms appropriate to the sampling method used.</p> <p>(4) The licensed inspector or risk assessor shall submit documentation of the inspection in the format prescribed by the department within five (5) business days after completing the report. (5) The licensed inspector or risk assessor shall submit to the department, on a quarterly basis, the number of inspection reports prepared during that quarter by the fifteenth day of the following month.</p> <p>(6) All property owners, from the date of receipt of the lead-based paint inspection report, must disclose all information contained in the report to parties to a transfer of the inspected property as required by 876 IAC 1-4-2.</p>			
<p><b>410 IAC 32-4-6</b></p> <p><b>Lead abatement notification procedures</b></p> <p>Sec. 6. (a) Each owner or operator of a lead abatement activity site to whom this rule applies shall do the following:</p> <p>(1) Provide the department with written notice of intention to conduct an activity on a form or electronic submission format to be provided by the department and update the notice as necessary, including, but not limited to, the following: (A) The project start date. (B) The activity contractor. (C) An indication of whether the notice is the original, a revised copy, or a canceled copy. (D) The name, address, and telephone number of both the facility owner and</p>	<p>ISDH may also wish to consider the following comments on the proposed revised rule, offered by the EPA with the intent of suggesting best practices to strengthen the state's administration and enforcement of its rule:</p> <p>3. For the proposed provision to allow for electronic submission of reports, license renewals and correspondence to EPA, current technology should be utilized to the fullest to reduce financial and time</p>	<p>Mardi Klevs, Chief, Chemicals Management Branch, Land and Chemicals Division, Region 5, Environmental Protection Agency</p>	<p>Ms. Klevs supports ISDH's position on this section. Language was added in proposed rule and support by comments from other interested parties.</p>

<p>operator and the lead abatement contractor owner or operator.</p> <p>(2) Postmark, hand deliver or electronically submit the notice as follows: (A) At least two (2) working days before a lead-based paint activity, including: (i) abatement; (ii) repair; (iii) removal; or (iv) soil removal or encapsulation; that results in the disturbance of lead-based paint. (B) If the activity is an emergency abatement operation, notice shall be given as early as possible but not later than the following working day after the activity is started. (C) Delivery of the notice by the United States postal service, facsimile, commercial delivery service, electronic submission or hand delivery is acceptable. If the notice is being updated, a copy of the previous notification being updated shall be attached to the new, revised notification. (D) Include any of the following types of operations in the notification: (i) Wet or dry stripping. (ii) Encapsulation. (iii) Enclosure. (iv) Emergency abatement. (v) Soil removal. (vi) Interior abatement. (vii) Exterior abatement. (E) A description of the facility or affected part of the facility, including the following: (i) Size in square feet. (ii) Number of floors. (iii) Age. (iv) Present and prior use of the facility. (F) Procedure, including analytical methods, employed to detect the presence and amount of lead-based paint. (G) An estimate the approximate amount of lead-</p>	<p>burdens on the regulated community, but should also comply with all state and federal requirements and guidelines related to electronic submissions of information.</p>		
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<p>based paint to be removed in the facility in terms of linear feet or square feet on facility components. (H) Location and street address, including: (i) building number, building name, and floor or room number location, if available; (ii) city; (iii) county; and (iv) state; where the activity is to take place. (I) Scheduled starting abatement removal date and completion dates as indicated by the posting and removal of lead-based paint hazard demarcations in the work area. (J) A description of planned activity work to be performed and methods to be employed, including techniques to be used and a description of the affected facility components. (K) A description of work practices and engineering controls to be used to comply with this rule, including lead removal. (L) A description of procedures to be followed in the event that unexpected lead-based paint becomes a lead-based paint hazard and warrants immediate action. (M) A signed certification from the owner or operator of the facility that the information provided in this notification is correct and that only Indiana licensed workers and project supervisors will be used to implement lead abatement activity. (N) For lead-based paint activities, the name, address, telephone number, and license number issued to the following, if applicable: (i) The person who inspected the facility for lead-based paint. (ii) The</p>			
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<p>person who will conduct risk assessment lead abatement activities. (iii) The contractor who will conduct lead abatement activities. (O) For emergency lead abatement activities, the date and hour that the emergency occurred, including a description and an explanation of how the event causes a lead-based paint hazard and warrants immediate action. (P) The name, address, and telephone number of the waste transporter.</p> <p>(3) When the lead abatement activity will begin: (A) on a date after the date specified in the original or the most recent revised notification, provide written notice of the new stripping or removal start date to the department at least two (2) working days or delivered postmarked at least one (1) working day before the start date of the lead abatement activity specified in the notification that is being updated; or (B) on a date earlier than the date specified in the original or the most recent revised notification, provide written notice of the new activity start date to the department postmarked or delivered at least two (2) working days before the start date of the lead abatement activity begins. (b) In no event shall lead abatement activities begin on a date other than the date contained in the most recent written notification.</p>			
<p><b>410 IAC 32-1-72</b>  <b>Soil-lead hazard</b>            Sec. 72. (a) "Soil-lead hazard" means bare</p>	<p>ISDH may also wish to consider the following comments on the proposed revised rule, offered</p>	<p>Mardi Klevs, Chief, Chemicals Management Branch, Land and</p>	<p>Ms. Klevs supports ISDH's position on this definition. Definition was added in proposed rule and</p>

<p>soil on residential real property or on the property of a child-occupied facility that contains total lead equal to or exceeding four hundred (400) parts per million in a play area or average of one thousand two hundred (1,200) parts per million of bare soil in the rest of the yard based on soil samples. (b) A soil-lead hazard is present: (1) in a play area when the soil-lead concentration from a composite play area sample of bare soil is equal to or greater than four hundred (400) parts per million; or (2) in the rest of the yard when the arithmetic mean lead concentration from a composite sample or composite samples of bare soil from the rest of the yard, including nonplay areas, for each residential building on a property equal to or greater than one thousand two hundred (1,200) parts per million. (c) If the soil is removed, it shall: (1) be replaced by soil with a lead concentration as close to local background as practicable, but not greater than four hundred (400) parts per million; and (2) not be used as top soil at another residential property or facility. (d) If the soil-lead hazard is equal to or exceeds five thousand (5,000) parts per million, the soil-lead hazard must be remediated using an abatement activity.</p>	<p>by the EPA with the intent of suggesting best practices to strengthen the state's administration and enforcement of its rule:</p> <p>4. Soil lead hazards of 5,000 parts per million (ppm) or greater may be subject to remediation or abatement under other state and federal regulations.</p>	<p>Chemicals Division, Region 5, Environmental Protection Agency</p>	<p>support by comments from other interested parties.</p>
<p><b>410 IAC 32-2-3</b> <b>Licensing; qualifications</b> Sec. 3. (a) To become licensed by the department as an inspector, risk assessor,</p>	<p>The EPA suggests that the proposed rule revision allowing for an individual with a bachelor's degree and less than</p>	<p>Mardi Klevs, Chief, Chemicals Management Branch, Land and Chemicals Division,</p>	<p>Ms. Klevs has a valid argument and ISDH agrees with her recommendation. Provision removed.</p>

<p>project designer, supervisor, worker, or clearance examiner, the applicant must do the following: (1) Successfully complete an approved lead-based paint course in the appropriate discipline and receive a certificate of training from an approved course provider. (2) Have attended an Indiana approved lead-based paint two (2) hour rules awareness course within twelve (12) months prior to making license application, if the approved lead-based paint course in subdivision (1) is not an Indiana-approved course. (3) Meet or exceed the experience and education requirements for each desired discipline as listed in subsection (b). (4) For inspector, risk assessor, project designers, and supervisor applicants, pass the third-party examination in the appropriate discipline. (5) Notwithstanding subdivisions (1) through (4), an applicant may follow the reciprocity provisions in section 6.5 of this rule. (b) At a minimum, the following experience, education requirements, and course work must be fulfilled for each desired discipline: (1) Worker and clearance examiner applicants must comply with subsection (a)(1) and (a)(2). (2) Inspector applicants shall have a high school diploma or general equivalency diploma (GED). (3) Risk assessor applicants shall take and pass the inspector and risk assessor courses and pass all required examinations, including third-party</p>	<p>one year of experience to become a licensed risk assessor not be included in the final rule. Although EPA recognizes that ISDH was proposing to create a mentoring program for individuals with less than the required year of experience as a way to increase employment opportunities, the EPA is not certain this proposed revision could be deemed “as protective as” the federal rule. Therefore, EPA is requesting that ISDH remove this proposed revision, at least until EPA has had time to fully consider this matter and the consequences of such language on its authorized lead-paint programs.</p>	<p>Region 5, Environmental Protection Agency</p>	
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<p>examinations. Applicants must meet any one (1) of the following combinations of education and experience: (A) Bachelor's degree and one (1) year of experience. (B) Bachelor's degree, some experience, and participation in a mentoring program approved by the department. (C) Associate's degree and two (2) years of experience. (D) A high school diploma or GED and three (3) years of experience. Required experience must be in a related field, including lead, asbestos, environmental remediation work, or construction.</p>			
<p><b>410 IAC 32-1-28</b>  <b>Dust-lead hazard</b>  Sec. 28. (a) "Dust-lead hazard" means surface dust in a residential dwelling or child-occupied facility that contains a mass-per-area concentration of lead equal to or exceeding forty (40) micrograms per square foot on floors, two hundred fifty (250) micrograms per square foot on interior window sills, and four hundred (400) micrograms per square foot for window troughs based on wipe samples.  (b) A dust-lead hazard is present in a residential dwelling or child-occupied facility: (1) in a residential dwelling on floors and interior window sills when the weighted arithmetic mean lead loading for all single surface or composite samples of floors and interior window sills are equal to or greater than forty (40) micrograms per</p>	<p>Ms. Kettermann requested that ISDH consider adding other horizontal surfaces to the definition so that areas like a table or countertop could be sampled.</p>	<p>Joan Kettermann, Training Director, Environmental Management Institute</p>	<p>Ms. Kettermann has a valid argument and ISDH agrees with her recommendation. Other horizontal surfaces will be added to the definition. The definition now reads:  Sec. 28. (a) "Dust-lead hazard" means surface dust in a residential dwelling or child-occupied facility that contains a mass-per-area concentration of lead equal to or exceeding forty (40) micrograms per square foot on floors and other horizontal surfaces, two hundred fifty (250) micrograms per square foot on interior window sills, and four hundred (400) micrograms per square foot for window troughs based on wipe samples.</p>

<p>square foot for floors, two hundred fifty (250) micrograms per square foot for interior window sills, and four hundred (400) micrograms per square foot for window troughs; (2) on floors and interior window sills, in an unsampled residential dwelling in a multifamily dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one (1) sampled residential unit on the property; and (3) on floors and interior window sills in an unsampled common area in a multifamily dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one (1) sampled common area in the same common area group on the property.</p>			<p>(b) A dust-lead hazard is present in a residential dwelling or child-occupied facility: (1) in a residential dwelling on floors, interior window sills and other horizontal surfaces when the weighted arithmetic mean lead loading for all single surface or composite samples of floors, interior window sills and other horizontal surfaces are equal to or greater than forty (40) micrograms per square foot for floors, two hundred fifty (250) micrograms per square foot for interior window sills, and four hundred (400) micrograms per square foot for window troughs; (2) on floors and interior window sills, in an unsampled residential dwelling in a multifamily dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one (1) sampled residential unit on the property; and (3) on floors and interior window sills in an unsampled common area in a multifamily dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one (1) sampled common area in the same common area group on the</p>
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			property.
<p><b>410 IAC 32-1-60.5</b>  <b>Post-remediation report</b>  Sec. 60.5. "Post-remediation report" means the report that a licensed lead supervisor or a lead-based paint activities contractor submits to the department following the completion of a remediation project. The post-remediation report must contain the following information:</p> <p>(1) Start and completion dates of remediation.</p> <p>(2) The name and address of each licensed lead supervisor or lead-based paint activities contractor conducting the remediation and the name of each supervisor assigned to the remediation project.</p> <p>(3) The occupant protection plan.</p> <p>(4) A copy of the risk assessment that was conducted for the remediation project.</p> <p>(5) The name, address, and signature of each licensed risk assessor, inspector, clearance examiner, or sampling technician conducting clearance sampling and the date of clearance testing.</p> <p>(6) The results of clearance testing and all soil analyses, if applicable, and the name of each recognized laboratory that conducted the analyses.</p> <p>(7) A detailed written description of the remediation, including the following: (A) Remediation methods used. (B) Locations of rooms and components where</p>	<p>Ms. Ketterman suggested changing (D) to read "A copy of the risk assessment that was conducted for the remediation project, if applicable". Ms Ketterman stated that many times the contractor operates under the presumption that lead is present thus negating the need for a risk assessment.</p>	<p>Joan Ketterman, Training Director, Environmental Management Institute</p>	<p>Ms. Ketterman has a valid argument and ISDH agrees with her recommendation. The definition now reads:  Sec. 60.5. "Post-abatement report" means the report that a licensed lead supervisor or a lead-based paint activities contractor submits to the department following the completion of an abatement project. The post-abatement report must contain the following information:</p> <p>(1) Start and completion dates of abatement.</p> <p>(2) The name and address of each licensed lead supervisor or lead-based paint activities contractor conducting the abatement and the name of each supervisor assigned to the abatement project.</p> <p>(3) The occupant protection plan.</p> <p>(4) A copy of the risk assessment that was conducted for the remediation project, if applicable.</p> <p>(5) The name, address, and signature of each licensed risk assessor, inspector, clearance examiner, or sampling technician conducting clearance sampling and the date of clearance testing.</p> <p>(6) The results of clearance</p>

remediation occurred. (C) The reason for selecting particular remediation methods for each component. (D) Any suggested monitoring of encapsulants or enclosures.			testing and all soil analyses, if applicable, and the name of each recognized laboratory that conducted the analyses. (7) A detailed written description of the abatement, including the following: (A) Abatement methods used. (B) Locations of rooms and components where abatement occurred. (C) The reason for selecting particular abatement methods for each component. (D) Any suggested monitoring of encapsulants or enclosures.
<b>410 IAC 32-2-7</b> <b>Lead-based paint license reciprocity</b> Sec. 7. (a) Any person holding a current U.S. EPA state or tribe authorized lead-based paint program license from another state, who is applying for an initial Indiana lead-based paint license from the department as a lead-based paint inspector, risk assessor, project designer, supervisor, worker, or clearance examiner under this rule, shall do the following: <ul style="list-style-type: none"> <li>(1) Submit a completed application on forms provided by the department.</li> <li>(2) Submit a copy of all current lead-based paint program licenses.</li> <li>(3) For persons applying for inspector, risk assessor, project designer, or supervisor licenses,</li> </ul>	Ms. Kettermann stated that ISDH should consider granting reciprocity for lead abatement workers without requiring them to take the two (2) hour rules course. Ms. Kettermann also stated that according to the rule, lead abatement workers are not allowed to develop a scope of work and must be supervised when work is being completed by a lead supervisor.	Joan Kettermann, Training Director, Environmental Management Institute	Ms. Kettermann has a valid argument and ISDH agrees with her recommendation. However, this change from the proposed rule would be a substantive change to the rule which is not legally allowed so ISDH cannot make the change at this time.

<p>provide proof of having passed the third-party examination.</p> <p>(4) Have attended an Indiana approved lead-based paint two (2) hour rules awareness course.</p> <p>(5) Pay the license application fee specified in section 8 of this rule.</p>			
<p><b>410 IAC 32-4-9</b></p> <p>Post-remediation clearance procedures</p> <p>Sec. 9. The following post-remediation final visual clearance procedures shall be performed only by a licensed inspector or risk assessor: (1) Following a remediation activity and prior to removal of warning signs or other demarcation, a visual inspection shall be completed by an Indiana licensed inspector or risk assessor to determine if deteriorated, painted surfaces or visible amounts of dust, debris, or residue are still present. (2) If deteriorated painted surfaces or visible amounts of dust debris or residue are present, they must be wet wiped or HEPA vacuumed until such conditions are eliminated prior to the continuation of the clearance procedures. (3) Following the visual inspection and any post-remediation cleanup required in this rule, clearance sampling for lead-contaminated dust shall be conducted by employing single-surface sampling or composite sampling techniques. (4) Dust samples on surfaces for clearance purposes shall be taken using documented</p>	<p>Ms. Sullivan and Ms. White expressed concern about remediation versus abatement and the scope of the rule</p>	<p>Lynne Sullivan, Executive Director, Indiana Apartment Association; Gretchen White, Indiana Builders Association</p>	<p>Ms. Sullivan and Ms. White have a valid argument and ISDH agrees with the recommendation. 410 IAC 32-4-9 now reads:</p> <p>Sec. 9. The following post-abatement final visual clearance procedures shall be performed only by a licensed inspector or risk assessor: (1) Following an abatement and prior to removal of warning signs or other demarcation, a visual inspection shall be completed by an Indiana licensed inspector or risk assessor to determine if deteriorated, painted surfaces or visible amounts of dust, debris, or residue are still present. (2) If deteriorated painted surfaces or visible amounts of dust debris or residue are present, they must be wet wiped or HEPA vacuumed until such conditions are eliminated prior to the continuation of the clearance procedures. (3) Following the</p>

<p>methodologies that incorporate adequate quality control procedures. (5) Dust samples for clearance purposes shall be taken within a minimum of one (1) hour after completion of final post-remediation clean-up activities. (6) The following remediation activity clearance activities shall be conducted as appropriate based upon the extent or manner of remediation activities conducted in or to the target housing or child-occupied facility: (A) After conducting a remediation activity with containment between remediated and nonremediated areas: (i) one (1) dust sample shall be taken from one (1) interior window sill and from one (1) window trough, if present; (ii) one (1) dust sample shall be taken from the floors of each of not less than four (4) rooms, hallways, or stairwells within the containment area; and (iii) one (1) dust sample shall be taken from the floor outside the containment area. If there are fewer than four (4) rooms, hallways, or stairwells within the containment area, then all rooms, hallways, or stairwells shall be sampled. (B) After conducting a remediation activity with no containment: (i) two (2) dust samples shall be taken from each of no fewer than four (4) rooms, hallways, or stairwells in the target housing or child-occupied facility; (ii) one (1) dust sample shall be taken from one (1) interior window sill and one (1) window trough, if present; and (iii) one (1) dust</p>			<p>visual inspection and any post-abatement cleanup required in this rule, clearance sampling for lead-contaminated dust shall be conducted by employing single-surface sampling or composite sampling techniques. (4) Dust samples on surfaces for clearance purposes shall be taken using documented methodologies that incorporate adequate quality control procedures. (5) Dust samples for clearance purposes shall be taken within a minimum of one (1) hour after completion of final post-abatement clean-up activities. (6) The following post-abatement clearance activities shall be conducted as appropriate based upon the extent or manner of abatement activities conducted in or to the target housing or child-occupied facility: (A) After conducting an abatement activity with containment between abated and unabated areas: (i) one (1) dust sample shall be taken from one (1) interior window sill and from one (1) window trough, if present; (ii) one (1) dust sample shall be taken from the floors of each of no less than four (4) rooms, hallways, or stairwells within the containment area; and</p>
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<p>sample shall be taken from the floor of each room, hallway, or stairwell selected. If there are fewer than four (4) rooms, hallways, or stairwells within the residential dwelling or child-occupied facility, then all rooms, hallways, or stairwells shall be sampled. (C) Following an exterior paint remediation activity, a visual inspection shall be conducted as follows: (i) All horizontal surfaces in the outdoor living area closest to the remediated surface shall be found to be clean of visible dust and debris. (ii) A visual inspection shall be conducted to determine the presence of paint chips on the dripline or next to the foundation below any exterior surface remediated. (iii) If paint chips are present, the chips shall be removed from the site and properly disposed of according to all applicable federal, state, and local requirements. (D) The rooms, hallways, or stairwells selected for sampling shall be selected according to documented methodologies. (E) The licensed inspector or risk assessor shall compare the residual lead level, as determined by the laboratory analysis, from each single surface dust sample with applicable clearance levels for lead in dust on floors, interior window sills, and window troughs divided by half the number of subsamples in the composite sample. If the residual lead level: (i) in a single surface dust sample equals or exceeds the applicable clearance levels; or</p>			<p>(iii) one (1) dust sample shall be taken from the floor outside the containment area. If there are fewer than four (4) rooms, hallways, or stairwells within the containment area, then all rooms, hallways, or stairwells shall be sampled. (B) After conducting an abatement with no containment: (i) two (2) dust samples shall be taken from each of no fewer than four (4) rooms, hallways, or stairwells in the target housing or child-occupied facility; (ii) one (1) dust sample shall be taken from one (1) interior window sill and one (1) window trough, if present; and (iii) one (1) dust sample shall be taken from the floor of each room, hallway, or stairwell selected. If there are fewer than four (4) rooms, hallways, or stairwells within the residential dwelling or child-occupied facility, then all rooms, hallways, or stairwells shall be sampled. (C) Following an exterior paint abatement, a visual inspection shall be conducted as follows: (i) All horizontal surfaces in the outdoor living area closest to the abated surface shall be found to be clean of visible dust and debris. (ii) A visual inspection</p>
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<p>(ii) in a composite dust sample equals or exceeds the applicable clearance level divided by half the number of subsamples in the composite sample; then the sample is a failed sample. All the components represented by the failed sample shall be recleaned and retested until clearance levels are met. (F) The clearance levels for lead in dust are as follows: (i) Forty (40) micrograms per square foot for floors. (ii) Two hundred fifty (250) micrograms per square foot for interior window sills. (iii) Four hundred (400) micrograms per square foot for window troughs.</p>			<p>shall be conducted to determine the presence of paint chips on the dripline or next to the foundation below any exterior surface abated. (iii) If paint chips are present, the chips shall be removed from the site and properly disposed of according to all applicable federal, state, and local requirements. (D) The rooms, hallways, or stairwells selected for sampling shall be selected according to documented methodologies. (E) The licensed inspector or risk assessor shall compare the residual lead level, as determined by the laboratory analysis, from each single surface dust sample with applicable clearance levels for lead in dust on floors, interior window sills, and window troughs divided by half the number of subsamples in the composite sample. If the residual lead level: (i) in a single surface dust sample equals or exceeds the applicable clearance levels; or (ii) in a composite dust sample equals or exceeds the applicable clearance level divided by half the number of subsamples in the composite sample; then the sample is a failed sample. All the components</p>
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			represented by the failed sample shall be recleaned and retested until clearance levels are met. (F) The clearance levels for lead in dust are as follows: (i) Forty (40) micrograms per square foot for floors. (ii) Two hundred fifty (250) micrograms per square foot for interior window sills. (iii) Four hundred (400) micrograms per square foot for window troughs.
<b>410 IAC 32-4-10</b> Lead-based paint sampling procedures Sec. 10. Clearance sampling under section 9 of this rule shall be conducted as follows: (1) The licensed individuals who remediate or clean the dwellings do not know which dwelling will be selected for the random sample. (2) A sufficient number of dwellings are selected for dust sampling to provide a ninety-five percent (95%) level of confidence that not more than five percent (5%) or fifty (50) of the dwellings, whichever is smaller, in the randomly sampled population exceed the appropriate clearance levels. (3) The randomly selected dwellings shall be sampled and evaluated for clearance according to the procedures found in this section. (4) A post-remediation report shall be prepared by a licensed supervisor or project designer. The post-remediation report shall include the following information: (A) Start and completion dates of remediation. (B) The	Ms. Sullivan and Ms. White expressed concern about remediation versus abatement and the scope of the rule	Lynne Sullivan, Executive Director, Indiana Apartment Association; Gretchen White, Indiana Builders Association	Ms. Sullivan and Ms. White have a valid argument and ISDH agrees with the recommendation. 410 IAC 32-4-10 now reads: Sec. 10. Clearance sampling under section 9 of this rule shall be conducted as follows: (1) The licensed individuals who abate or clean the dwellings do not know which dwelling will be selected for the random sample. (2) A sufficient number of dwellings are selected for dust sampling to provide a ninety-five percent (95%) level of confidence that not more than five percent (5%) or fifty (50) of the dwellings, whichever is smaller, in the randomly sampled population exceed the appropriate clearance levels. (3) The randomly selected dwellings shall be sampled and evaluated for clearance according

<p>name and address of each licensed contractor conducting the remediation and the name of each supervisor assigned to the remediation project. (C) The occupant protection plan. (D) A copy of the risk assessment that was conducted for the remediation project. (E) The name, address, and signature of each licensed risk assessor or inspector conducting clearance sampling and the date of clearance testing. (F) The results of clearance testing and all soil analyses, if applicable, and the name of each recognized laboratory that conducted the analyses. (G) A detailed written description of the remediation, including abatement methods used, locations of rooms and components where abatement occurred, reason for selecting particular remediation methods for each component, and any suggested monitoring of encapsulants or enclosures.</p>			<p>to the procedures found in this section. (4) A post-abatement report shall be prepared by a licensed supervisor or project designer. The post-abatement report shall include the following information: (A) Start and completion dates of abatement. (B) The name and address of each licensed contractor conducting the abatement and the name of each supervisor assigned to the abatement project. (C) The occupant protection plan. (D) A copy of the risk assessment that was conducted for the remediation project, if applicable. (E) The name, address, and signature of each licensed risk assessor or inspector conducting clearance sampling and the date of clearance testing. (F) The results of clearance testing and all soil analyses, if applicable, and the name of each recognized laboratory that conducted the analyses. (G) A detailed written description of the abatement, including abatement methods used, locations of rooms and components where abatement occurred, reason for selecting particular abatement methods for each component, and any</p>
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			suggested monitoring of encapsulants or enclosures.
<b>410 IAC 32-4-11</b> Lead-based paint remediation disposal procedures	Ms. Sullivan and Ms. White expressed concern about remediation versus abatement and the scope of the rule	Lynne Sullivan, Executive Director, Indiana Apartment Association; Gretchen White, Indiana Builders Association	Ms. Sullivan and Ms. White have a valid argument and ISDH agrees with the recommendation. The title of 410 IAC 32-4-11 now reads: Lead-based paint abatement disposal procedures
<b>410 IAC 32-4-13</b> Record keeping Sec. 13. (a) All reports or plans required in this rule shall be completed not later than thirty (30) calendar days from the completion of the remediation project. (b) All reports and plans shall be maintained for no fewer than three (3) years by the licensed person or contractor who prepared the report. (c) The licensed person or contractor shall provide copies of these reports to the building owner who contracted for services not later than thirty (30) calendar days from the completion of the remediation project. (d) The licensed person or contractor shall make reports available to the department within five (5) days. (e) A lead-based paint activities contractor licensed under this rule shall compile records concerning each remediation project performed by the lead-based paint activities contractor. The records shall include the following information on each remediation project: (1) The name, address, and proof of license	Ms. Sullivan and Ms. White expressed concern about remediation versus abatement and the scope of the rule	Lynne Sullivan, Executive Director, Indiana Apartment Association; Gretchen White, Indiana Builders Association	Ms. Sullivan and Ms. White have a valid argument and ISDH agrees with the recommendation. 410 IAC 32-4-13 now reads: Sec. 13. (a) All reports or plans required in this rule shall be completed not later than thirty (30) calendar days from the completion of the abatement project. (b) All reports and plans shall be maintained for no fewer than three (3) years by the licensed person or contractor who prepared the report. (c) The licensed person or contractor shall provide copies of these reports to the building owner who contracted for services not later than thirty (30) calendar days from the completion of the abatement project. (d) The licensed person or contractor

<p>of: (A) the person who conducted or supervised the remediation project; and (B) each employee or agent of the contractor that worked on the project. (2) The name, address, and signature of each licensed risk assessor or inspector conducting clearance sampling and the date of clearance testing. (3) The site of the remediation project. (4) A copy of the risk assessment conducted for the remediation project. (5) A description of the remediation project. (6) The date on which the remediation project was started and the date on which the remediation project was completed. (7) A summary of procedures that were used in the project to comply with applicable federal, state, and local standards for remediation projects. (8) A detailed written description of the remediation activities, including the following: (A) Methods used. (B) Locations of rooms or components where remediation activities occurred. (C) Reasons for selecting particular remediation methods for each component. (D) Any suggested monitoring of encapsulants or enclosures. (9) The occupant protection plan. (10) The results of clearance testing and all soil analysis and the name of each federally-approved laboratory that conducted the analysis. (f) A copy of each receipt issued by a disposal site must be included in the records.</p>			<p>shall make reports available to the department within five (5) days. (e) A lead-based paint activities contractor licensed under this rule shall compile records concerning each lead-based paint activities project performed by the lead-based paint activities contractor. The records shall include the following information on each lead-based paint activities project: (1) The name, address, and proof of license of: (A) the person who conducted or supervised the lead-based paint activities project; and (B) each employee or agent of the contractor that worked on the project. (2) The name, address, and signature of each licensed risk assessor or inspector conducting clearance sampling and the date of clearance testing. (3) The site of the lead-based paint activities project. (4) A copy of the risk assessment conducted for the remediation project. (5) A description of the lead-based paint activities project. (6) The date on which the lead-based</p>
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			<p>paint activities project was started and the date on which the lead-based paint activities project was completed. (7) A summary of procedures that were used in the project to comply with applicable federal, state, and local standards for lead-based paint activities projects. (8) A detailed written description of the lead-based paint activities, including the following: (A) Methods used. (B) Locations of rooms or components where lead-based paint activities occurred. (C) Reasons for selecting particular lead-based paint activities methods for each component. (D) Any suggested monitoring of encapsulants or enclosures. (9) The occupant protection plan. (10) The results of clearance testing and all soil analysis and the name of each federally-approved laboratory that conducted the analysis. (f) A copy of each receipt issued by a disposal site must be included in the records.</p>
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